

## REMARKS

By this amendment, applicants have amended claim 9 to correct a typographical error, have amendment claim 17 to be independent form by including therein all of the limitations previously recited in claim 16, from which claim 17 previously depended, and to correct a typographical error. Claims 18 and 19 have been to include therein substantially the same limitation previously recited in claim 17. In rewriting claim 17 in independent form, applicants have corrected the informalities noted by the Examiner in claim 16.

In view of the foregoing amendments, reconsideration and withdrawal of the objection to claims 9, 16 and 17 in numbered section 1 of the Office Action are requested.

Claims 16, 18 and 19 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,157,614 to Pasternak et al. Applicants traverse this rejection, at least insofar as it applies to the claims presently in the application.

Noting that claim 16 has been canceled, the rejection of claim 16 over Pasternak et al. is moot.

With respect to claims 18 and 19, it is noted that these claims have been amended to include substantially the same limitation previously recited in claim 17. Noting that the Examiner has indicated claim 17 to contain allowable subject matter (see numbered section 3 of the Office Action), it is submitted that claims 18 and 19 should also now be in condition for allowance.

That is, it is submitted the Pasternak et al. patent does not disclose a radio access system for supporting the quality of service in data packet transmission over the air interface or a communication device for use in a system which supports the

quality of service in data packet transmission over the air interface, including a selection of default radio scheduling queues having different quality of service characteristics and being either aggregated in the air interface or identified separately in the air interface with the aid of queue or connection specific radio flow identifiers. Accordingly, claims 18 and 19 are patentable over Pasternak et al.

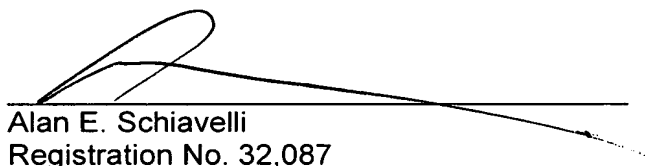
Applicants note the indication that claims 1-8, 10-14, 20-33 and 35-39 are allowed and that claims 17 would be allowed in rewritten in independent form.

In view of the foregoing amendments and remarks, it is submitted that all of the claims now in the application are now in condition for allowance.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1302.39635X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Alan E. Schiavelli  
Registration No. 32,087

AES/at  
(703) 312-6600